

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Westchester Fire Insurance Company,)	FILE NUMBER: <u>09-CV-3184 (PAM/JSM)</u>
)	
Plaintiff,)	
)	
vs.)	
)	
North Star Beef, Inc., and Action Capital)	ORDER
Corporation,)	
)	
Defendants.)	

This matter is before the Court on the Stipulation for Dismissal of Crossclaim Without Prejudice [Docket No. 25] between Defendants, North Star Beef, Inc., and Action Capital Corporation. The Court now enters the following Order:

ORDER

1. The Action Capital Corporation Crossclaim against North Star Beef, Inc., [Docket No. 3] is dismissed without prejudice to the right of either party to assert in any other legal action or proceeding the same or similar claims or defenses to those claims or defenses that were, or could have been, raised with respect to the Crossclaim.

2. The claims of Defendants, North Star Beef, Inc., or Action Capital Corporation to an order of this Court distributing to one of those parties the sum of \$140,877.14 deposited with the Court [Docket No. 18] are reserved for resolution by this Court in the above-entitled action.

3. The hearing on North Star Beef Inc.'s Motion to Dismiss the Crossclaim, [Docket No. 19] is removed from the Court's calendar, and the Magistrate Judge shall issue a new Scheduling Order on the resolution of the interpleader issue as set out in paragraph 2 of this Order.

Dated: May 7, 2010

s/ Paul A. Magnuson
Honorable Paul A. Magnuson
Judge of the U.S. District Court